

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

NOCHUMSON, Samuel et al.

Serial No.: 09/774,284

Filed: January 29, 2001

For: PROCESS AND EQUIPMENT FOR  
PLASMID PURIFICATION

Group Art Unit: 1623

Examiner: not yet assigned

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. Applicants respectfully request that a copy of form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicants are not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR 1.56, exists.

The patents, publication and other information disclosed in the attached PTO Form 1449 were previously cited by the Examiner or submitted to the Office in the following application which

LA-224599.1

## CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile ((703) 872-9306) on the date shown below to the Commissioner for Patents, Washington, D.C. 20231.

January 23, 2002  
Date of Transmission

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260/243

this application relies for an earlier filing date under 35 U.S.C. § 120: U.S. Patent Application Serial No. 08/887,673, filed July 3, 1997. Accordingly, pursuant to 37 CFR 1.98(d), copies of the previously cited or submitted patents, publications, and other information listed in the attached PTO Form 1449 are not attached.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicants respectfully request that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

**STATEMENT UNDER 37 CFR § 1.97(e):**

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. 12-2475.

Respectfully submitted,  
LYON & LYON LLPDated: January 23, 2002By: Samuel N. TiuSamuel N. Tiu  
Reg. No. 47,997

29836

PATENT TRADEMARK OFFICE

LYON & LYON LLP / VALENTIS INC.  
633 W. Fifth Street, Suite 4700  
Los Angeles, CA 90071  
phone: (213) 489-1600  
fax: (213) 955-0440

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**LYON & LYON** LLP  
A LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS  
633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
Phone: (213) 489-1600  
Fax: (213) 955-0440

**FAX RECEIVED**

JAN 24 2002

**GROUP 1600****FACSIMILE TRANSMITTAL FORM**

<b>To:</b> TC 1600 - Group Art Unit 1623 US PTO	<b>Fax Number:</b> (703) 872-9306	<b>Phone Number:</b> (703) 872-9306
<b>From:</b> Samuel N. Tiu	<b>Fax Number:</b> (213) 955-0440	<b>Phone Number:</b> (213) 489-1600
<b>Re:</b> SN 09/774,284 - Information Disclosure Statement	<b>Date/Time sent:</b> 1/23/02 3:34 PM	<b>No. of Pages:</b> 5 (incl. cover)
<b>Client Name:</b> Valentis, Inc.	<b>Client Matter No.:</b> 02602432	

If you do not receive all of the pages, please call Miyabi Grace at (213) 489-1600, extension 3301.

**Notes/Comments:**

Enclosures:

- 1) Transmittal of Information Disclosure Statement
- 2) Information Disclosure Statement
- 3) Form PTO-1449

**TO BE COMPLETED BY FAX OPERATOR**

TIME TRANSMITTED: \_\_\_\_\_ TRANSMITTED BY: \_\_\_\_\_

*This transmittal is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us by mail at the above address. Thank you.*

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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**I. DOCUMENTS ENCLOSED:**

Applicant submits the following documents with this Transmittal Letter.

- (1) Information Disclosure Statement;
- (2) Form PTO-1449; and

1.A-224607.1

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile ((703) 872-9306) on the date shown below to the Commissioner for Patents, Washington, D.C. 20231.

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## II. PAYMENT:

No fee is required for this request. If Applicants are mistaken, however, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Lyon & Lyon's Deposit Account No. 12-2475.

Respectfully submitted,  
LYON & LYON LLP

Dated: January 23, 2002

By: *Samuel Tiu*

Samuel N. Tiu  
Reg. No. 47,997



29836

PATENT TRADEMARK OFFICE

LYON & LYON LLP / VALENTIS INC.  
633 W. Fifth Street, Suite 4700  
Los Angeles, CA 90071  
phone: (213) 489-1600  
fax: (213) 955-0440

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